

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

§ Gerard Barry, et al.

§ Serial No.: 09/464,099

§ Filed: December 22, 1999

§ For: GLYPHOSATE-TOLERANT  
5-ENOLPYRUVYLSHIKIMATE-3-  
PHOSPHATE SYNTHASES

§ Group Art Unit: 1644

§ Examiner: G. Ewoldt

§ Atty. Dkt: MOBT:175--2

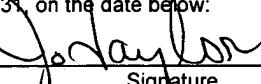
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENTAssistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
<p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below:</p> <p style="text-align: center;">July 19, 2000</p> <p style="text-align: right;"> Signature</p>	

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant requests that this Supplemental Information Disclosure Statement be entered and that the references listed on the attached PTO-1449 form be considered by the Examiner and made of record.

In accordance with 37 C.F.R. § 1.97(g), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This application is a continuation application under 37 C.F.R. §1.53(d) of Serial No. 09/137,440, filed August 20, 1998 and is relied upon for an earlier filing date under 35 U.S.C. § 120. Normally, in accordance with Rule 37 C.F.R. § 1.98(d), only copies of those documents

not previously cited and submitted to the Patent and Trademark Office in prior application Serial No. 09/137,440 would be enclosed (i.e. references A1-A4, B1, and C1-C6). However, the Examiner has requested copies of these previously filed documents, with the exception of U.S. Patents (A1-A4). With respect to these previously filed documents, Applicants have enclosed documents C2 and C5. Copies of documents B1, C1, C3, C4, C6 are being procured and will be provided to the Examiner as soon as they are available.

In addition, pursuant to 37 C.F.R. § 1.98(a)(3), Applicants submit the following concise summary of the relevance of each foreign language publication listed in the attached PTO-1449 form. Each of these non-English references were cited by a Japanese Examiner in the corresponding Japanese case. An English translation was not provided by the Japanese Examiner.

The Japanese Examiner cited Okada, ("Gene Expression and Regulation in Higher Plants," in *Developments of Molecular Biology*, No. 13, Maruzen Co., Japan., 1990) in alleging that "regeneration of plant from transformed protoplasts has been difficult and depends on the kinds of plants."

The Japanese Examiner cited *Chemistry and Biology, Bioscience and Biotechnology*, 29:734, 1991; Nagata (*Plant protoplast and Cell Engineering*, pg. 104, 1993); and Uozumi (*Plant Engineering*, pg. 111, 1993) in alleging that "there are some defects in the [microprojectile bombardment] method such as low efficiency of transformation, low reproducibility and formation of chimera."

This Information Disclosure Statement is being filed prior to receipt of a first office action on the merits; and hence, is believed to be timely-filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with the filing of this Information Disclosure Statement;

however, if any fees are due, the Commissioner is authorized to deduct those fees from Arnold, White & Durkee's Deposit Account No. 01-2508/MOBT175--2/RAN.

Respectfully submitted,



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